

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

MARK SAMS,

Petitioner, No. CV-11-333-AC

v.

JEFFREY THOMAS, Warden,  
FCI Sheridan,

ORDER

Respondent.

HERNANDEZ, District Judge:

Magistrate Judge Acosta issued a Findings and Recommendation (#22) on May 12, 2011, in which he recommends that this Court grant in part and deny in part petitioner's Petition for Writ of Habeas Corpus. Specifically, Judge Acosta recommended that the Petition be dismissed to the extent it is based upon a violation of petitioner's Eighth Amendment right to be free from cruel and unusual punishment, and that the Petition be granted as to petitioner's claim that he is entitled to an individualized assessment of his suitability for earlier residential release.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of

Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

#### CONCLUSION

The Court ADOPTS Magistrate Judge Acosta's Findings and Recommendation (# 22). Accordingly, to the extent the Petition alleges that Bureau of Prison officials are deliberately indifferent to petitioner's serious medical needs in violation of the Eighth Amendment, the Petition is denied. To the extent petitioner seeks an individualized assessment of his suitability for earlier residential release, the Petition is granted. Respondent is ordered to conduct, within a reasonable time but not to exceed seven (7) days from the date of this Order, an individualized assessment of petitioner's suitability for early residential release.

IT IS SO ORDERED.

DATED this 14th day of June, 2011.

/s/ Marco A. Hernandez  
MARCO A. HERNANDEZ  
United States District Judge